

# COMMITTEE REPORT

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## MADAM PRESIDENT:

The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 12, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1       Page 4, line 11, delete "IC 11-8-8-4)" and insert "**IC 11-8-8-5)**".
- 2       Page 7, line 2, delete "11-8-8-4" and insert "**IC 11-8-8-5**".
- 3       Page 9, between lines 8 and 9, begin a new paragraph and insert:
- 4       "**(e) This subsection does not prohibit the department from**
- 5       **sharing information available on the Indiana sex offender registry**
- 6       **with another person.**".
- 7       Page 9, between lines 19 and 20, begin a new paragraph and insert:
- 8       "**Sec. 3. As used in this chapter, "principal residence" means the**
- 9       **residence where a sex offender spends the most time. The term**
- 10       **includes a residence owned or leased by another person if the sex**
- 11       **offender:**
- 12       **(1) does not own or lease a residence; or**
- 13       **(2) spends more time at the residence owned or leased by the**
- 14       **other person than at the residence owned or leased by the sex**
- 15       **offender.**".
- 16       Page 9, line 20, delete "Sec. 3." and insert "**Sec. 4.**".
- 17       Page 9, line 22, delete "IC 11-8-8-7." and insert "**section 8 of this**
- 18       **chapter.**".
- 19       Page 9, line 23, delete "Sec. 4." and insert "**Sec. 5.**".
- 20       Page 10, line 21, delete "Sec. 5." and insert "**Sec. 6.**".

1 Page 10, line 29, delete "4" and insert "5".

2 Page 10, line 29, delete "chapter." and insert "**chapter, including a**  
3 **person who has been determined to be a sexually violent predator**  
4 **in accordance with section 20 of this chapter.**".

5 Page 10, line 30, delete "Sec. 6." and insert "**Sec. 7.**".

6 Page 10, line 30, delete "14" and insert "**19**".

7 Page 10, line 39, delete "not described in subdivision (1)".

8 Page 11, line 5, delete "not described in subdivision (1)".

9 Page 11, line 15, after "resides." insert "**If the sex offender is also**  
10 **required to register under subsection (a)(2) or (a)(3), the sex**  
11 **offender shall also register with the local law enforcement authority**  
12 **in the county in which the offender is required to register under**  
13 **those provisions.**".

14 Page 11, line 21, after "county." insert "**If the sex offender is also**  
15 **required to register under subsection (a)(1) or (a)(3), the sex**  
16 **offender shall also register with the local law enforcement authority**  
17 **in the county in which the offender is required to register under**  
18 **those provisions.**".

19 Page 11, line 24, after "student." insert "**If the sex offender is also**  
20 **required to register under subsection (a)(1) or (a)(2), the sex**  
21 **offender shall also register with the local law enforcement authority**  
22 **in the county in which the offender is required to register under**  
23 **those provisions.**".

24 Page 11, line 27, after "located." insert "**If the sex offender is also**  
25 **required to register under subsection (a)(1), (a)(2), or (a)(3), the sex**  
26 **offender shall also register with the local law enforcement authority**  
27 **in the county in which the offender is required to register under**  
28 **those provisions.**".

29 Page 11, line 33, after "(g)" insert "**This subsection does not apply**  
30 **to a sex offender who is a sexually violent predator.**".

31 Page 12, line 4, after "first." insert "**A sex offender required to**  
32 **register in more than one (1) county under subsection (b), (c), (d),**  
33 **or (e) shall register in each appropriate county not more than**  
34 **seventy-two (72) hours after the sex offender's arrival in that**  
35 **county or acquisition of real estate in that county.**"

36 Page 12, line 5, delete "Whenever a sex offender registers with a  
37 local law" and insert "**This subsection applies to a sex offender who**  
38 **is a sexually violent predator. A sex offender who is a sexually**  
39 **violent predator shall register not more than seventy-two (72)**  
40 **hours after the sex offender:**

41 (1) is released from a penal facility (as defined in  
42 IC 35-41-1-21);

(2) is released from a secure private facility (as defined in IC 31-9-2-115);  
 (3) is released from a juvenile detention facility;  
 (4) is transferred to a community transition program;  
 (5) is placed on parole;  
 (6) is placed on probation;  
 (7) is placed on home detention; or  
 (8) arrives at the place where the sexually violent predator is required to register under subsection (b), (c), or (d);

whichever occurs first. A sex offender who is a sexually violent predator required to register in more than one (1) county under subsection (b), (c), (d), or (e) shall register in each appropriate county not more than seventy-two (72) hours after the offender's arrival in that county or acquisition of real estate in that county."

Page 12, delete lines 6 through 8.

Page 12, line 11, delete "sheriffs".

Page 12, line 12, after "IC 36-2-13-5.5." insert "The local law enforcement authority shall make a photograph of a sex offender that complies with the requirements of IC 36-2-13-5.5 at least once per year."

Page 12, line 17, delete "sheriffs".

Page 12, line 32, delete "Sec. 7." and insert "Sec. 8."

Page 12, line 36, after "eye color," insert "any scars, marks, or tattoos,".

Page 12, line 37, delete ", and home" and insert "or state identification number, principal residence".

Page 12, line 37, delete "." and insert ", and mailing address, if different from the sex offender's principal residence address."

Page 12, line 42, delete "6(a)(2)" and insert "7(a)(2)".

Page 13, line 1, delete "6(a)(3)" and insert "7(a)(3)".

Page 13, line 9, after "(6)" insert "If the sex offender is required to register for life, that the sex offender is required to register for life. (7)".

Page 13, line 10, delete "Sec. 8." and insert "Sec. 9."

Page 13, line 33, delete "three (3) days" and insert "seventy-two (72) hours".

Page 14, line 12, delete "Sec. 9." and insert "Sec. 10."

Page 14, line 16, delete "Sec. 10." and insert "Sec. 11."

Page 14, line 18, delete "home" and insert "principal residence".

Page 14, line 19, delete "6(a)(2)" and insert "7(a)(2)".

Page 14, line 19, delete "6(a)(3)" and insert "7(a)(3)".

Page 14, line 31, delete "11" and insert "13".

1 Page 14, line 32, delete "within" and insert "**not more than**".

2 Page 14, line 34, delete "6(a)(2)" and insert "**7(a)(2)**".

3 Page 14, line 34, delete "6(a)(3)" and insert "**7(a)(3)**".

4 Page 15, between lines 16 and 17, begin a new paragraph and insert:

5 "**Sec. 12. (a) As used in this section, "temporary residence"**  
6 **means a residence:**

7 (1) **that is established to provide transitional housing for a**  
8 **person without another residence; and**

9 (2) **in which a person is not typically permitted to reside for**  
10 **more than thirty (30) days in a sixty (60) day period.**

11 (b) **This section applies only to a sex offender who resides in a**  
12 **temporary residence. In addition to the other requirements of this**  
13 **chapter, a sex offender who resides in a temporary residence shall**  
14 **register in person with the local law enforcement authority in**  
15 **which the temporary residence is located:**

16 (1) **not more than seventy-two (72) hours after the sex**  
17 **offender moves into the temporary residence; and**

18 (2) **during the period in which the sex offender resides in a**  
19 **temporary residence, at least once every seven (7) days**  
20 **following the sex offender's initial registration in subdivision**

21 **(1).**

22 (c) **A sex offender's obligation to register in person once every**  
23 **seven (7) days terminates when the sex offender no longer resides**  
24 **in the temporary residence. However, all other requirements**  
25 **imposed on a sex offender by this chapter continue in force,**  
26 **including the requirement that a sex offender register the sex**  
27 **offender's new address with the local law enforcement authority."**

28 Page 15, line 17, delete "Sec. 11." and insert "**Sec. 13.**".

29 Page 15, line 22, delete "14" and insert "**11 or 20**".

30 Page 15, line 35, delete "15" and insert "**11 or 20**".

31 Page 16, between lines 2 and 3, begin a new line block indented and  
32 insert:

33 **"(3) Personally visit each sex offender in the county at the sex**  
34 **offender's listed address at least one (1) time per year,**  
35 **beginning seven (7) days after the local law enforcement**  
36 **authority receives a notice under section 14 of this chapter or**  
37 **the date the sex offender is:**

38 (A) **released from a penal facility (as defined in**  
39 **IC 35-41-1-21), a secure private facility (as defined in**  
40 **IC 31-9-2-115), or a juvenile detention facility;**

41 (B) **placed in a community transition program;**

42 (C) **placed in a community corrections program;**

(D) placed on parole; or

(E) placed on probation;

whichever occurs first.

(4) Personally visit each sex offender who is designated a sexually violent predator under IC 35-38-1-7.5 at least once every ninety (90) days, beginning seven (7) days after the local law enforcement authority receives a notice under section 15 of this chapter or the date the sex offender is:

(A) released from a penal facility (as defined in IC 35-41-1-21), a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;

(B) placed in a community transition program;

(C) placed in a community corrections program;

(D) placed on parole; or

(E) placed on probation;

whichever occurs first."

Page 16, line 4, after "person," insert "not later than fourteen (14) days after mailing, or appears not to reside at the listed address,".

Page 16, between lines 5 and 6, begin a new paragraph and insert:  
"Sec. 14. At least once per calendar year, a sex offender who is required to register under this chapter shall:

(1) report in person to the local law enforcement authority;

(2) register; and

(3) be photographed by the local law enforcement authority; in each location where the offender is required to register.

Sec. 15. (a) A sex offender who is a resident of Indiana shall obtain and keep in the sex offender's possession:

(1) a valid Indiana driver's license; or

(2) a valid Indiana identification card (as described in IC 9-24-16).

(b) A sex offender required to register in Indiana who is not a resident of Indiana shall obtain and keep in the sex offender's possession:

(1) a valid driver's license issued by the state in which the sex offender resides; or

(2) a valid state issued identification card issued by the state in which the sex offender resides.

(c) A person who knowingly or intentionally violates this section commits failure of a sex offender to possess identification, a Class A misdemeanor. However, the offense is a Class D felony if the person:

(1) is a sexually violent predator; or

**(2) has a prior unrelated conviction:**

**(A) under this section; or**

**(B) based on the person's failure to comply with any requirement imposed on an offender under this chapter.**

**(d) It is a defense to a prosecution under this section that:**

**(1) the person has been unable to obtain a valid driver's license or state issued identification card because less than thirty (30) days have passed since the person's release from incarceration; or**

**(2) the person possesses a driver's license or state issued identification card that expired not more than thirty (30) days before the date the person violated subsection (a) or (b)."**

Page 16, line 6, delete "Sec. 12." and insert "**Sec. 16.**".

Page 16, line 12, delete "Sec. 13." and insert "**Sec. 17.**".

Page 16, line 12, delete "intentionally fails to" and insert "**intentionally:**".

Page 16, delete line 13.

Page 16, line 14, after "(1)" insert "**fails to register**".

Page 16, line 14, delete "or".

Page 16, line 15, after "(2)" insert "**fails to register**".

Page 16, between lines 16 and 17, begin a new line block indented and insert:

**"(3) makes a material misstatement or omission while registering as a sex offender under this chapter; or**

**(4) fails to register in person and be photographed at least one (1) time per year as required under this chapter;".**

Page 16, line 18, after "unrelated" insert "**conviction for an**".

Page 16, line 18, delete "section." and insert "**section or based on the person's failure to comply with any requirement imposed on a sex offender under this chapter.**".

Page 16, between lines 18 and 19, begin a new paragraph and insert:

**"Sec. 18. (a) A sexually violent predator who will be absent from the sexually violent predator's principal residence for more than seventy-two (72) hours shall inform the local law enforcement authority, in person or in writing, of the following:**

**(1) That the sexually violent predator will be absent from the sexually violent predator's principal residence for more than seventy-two (72) hours.**

**(2) The location where the sexually violent predator will be located during the absence from the sexually violent predator's principal residence.**

**(3) How long the sexually violent predator will be absent from**

the sexually violent predator's principal residence.

(b) A sexually violent predator who will spend more than seventy-two (72) hours in a county in which the sexually violent predator is not required to register shall inform the local law enforcement authority in the county in which the sexually violent predator is not required to register, in person or in writing, of the following:

(1) That the sexually violent predator will spend more than seventy-two (72) hours in the county.

(2) The location where the sexually violent predator will be located while spending time in the county.

(3) How long the sexually violent predator will remain in the county.

Upon request of the local law enforcement authority of the county in which the sexually violent predator is not required to register, the sexually violent predator shall provide the local law enforcement authority with any additional information that will assist the local law enforcement authority in determining the sexually violent predator's whereabouts during the sexually violent predator's stay in the county.

(c) A sexually violent predator who knowingly or intentionally violates this section commits failure to notify, a Class A misdemeanor. However, the offense is a Class D felony if the person has a prior unrelated conviction under this section based on the person's failure to comply with any requirement imposed on a sex offender under this chapter."

Page 16, line 19, delete "Sec. 14." and insert "Sec. 19."

Page 16, line 32, delete "found to be".

Page 16, line 33, delete "by a court under IC 35-38-1-7.5(b)".

Page 17, line 10, delete "Sec. 15." and insert "Sec. 20."

Page 18, line 39, delete "IC 11-8-8-4)" and insert "IC 11-8-8-5)".

Page 19, line 7, delete "IC 11-8-8-4)" and insert "IC 11-8-8-5)".

Page 19, line 31, delete "IC 11-8-8-4." and insert "IC 11-8-8-5."

Page 22, line 37, delete "IC 11-8-8-4)." and insert "IC 11-8-8-5)".

Page 23, line 6, delete "IC 11-8-8-4" and insert "IC 11-8-8-5".

Page 23, line 8, delete "IC 11-8-8-4" and insert "IC 11-8-8-5".

Page 23, line 33, delete "IC 11-8-8-4," and insert "IC 11-8-8-5,".

Page 24, line 12, delete "IC 11-8-8-5." and insert "IC 11-8-8-6."

Page 24, line 42, delete "IC 11-8-8-4)," and insert "IC 11-8-8-5)".

Page 25, line 3, delete "IC 11-8-8-6;" and insert "IC 11-8-8;".

Page 25, line 15, delete "IC 11-8-8-4)" and insert "IC 11-8-8-5)".

Page 29, line 22, delete "IC 11-8-8-4)" and insert "IC 11-8-8-5)".

- 1 Page 30, line 15, delete "IC 11-8-8-4)" and insert "**IC 11-8-8-5)**".
- 2 Page 30, line 33, delete "IC 11-8-8-4)" and insert "**IC 11-8-8-5)**".
- 3 Page 30, line 35, delete "IC 11-8-8-6." and insert "**IC 11-8-8-7.**".
- 4 Page 30, line 36, delete "IC 11-8-8-4." and insert "**IC 11-8-8-5.**".
- 5 Page 31, line 26, delete "IC 11-8-8-7" and insert "**IC 11-8-8-8**".
- 6 Page 32, line 16, delete "IC 11-8-8-13," and insert "**IC 11-8-8-15,**
- 7 **IC 11-8-8-17, and IC 11-8-8-18, all**".  
(Reference is to SB 12 as printed January 11, 2006.)

**and when so amended that said bill do pass .**

Committee Vote: Yeas 10, Nays 0.

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**Senator Long, Chairperson**